

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
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 v.)
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MICHAEL MCDONALD) CR. NO. 05-10016-RCL
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MOTION FOR TWO-DAY EXTENSION

The United States of America, by and through its attorneys, United States Attorney Michael J. Sullivan, and Assistant U.S. Attorneys Donald L. Cabell and Jeremy Sternberg, hereby moves for an extension of two days, from October 24 to October 26, 2006, to file its trial brief and to respond to the defendant's two motions *in limine*.

In support of the government's motion, the undersigned states that the principal legal/evidentiary issue in this case is the admissibility of prior dealings between Donovan Sorrell on the one hand and Nuerel Carr and the defendant on the other. It is those dealings, and statements that arose during those dealings, that underlie the defendant's motions *in limine*. The government determined that it was necessary to speak to Mr. Sorrell in order to respond adequately to the defendant's motions. The government then learned, however, that Mr. Sorrell was deported from the United States to Jamaica approximately three weeks ago.¹

¹The case agent, ICE SA Peter Darling had received assurances that Mr. Sorrell would be held until at least the end

With the assistance of ICE agents and Mr. Sorrell's counsel, Martin Murphy, Esq., the government just recently was able to locate Mr. Sorrell in Jamaica, and to interview him by telephone, on October 24, 2006.² Among other things, Mr. Sorrell provided additional context for statements he previously made, and that additional context changes somewhat the analysis and basis for the statements' admissibility. Further, Mr. Sorrell also indicated that he knew he was to deliver drugs to a man named McDonald before he first traveled to the United States in September of 2004, and he met with the defendant during a drug transaction in October, 2004. These facts were not previously known until today; the government has provided the defendant's counsel with a summary of these and other statements made by Mr. Sorrell during the interview.

In light of these events, the government respectfully requests the additional time in order to submit a trial brief and response that adequately states the bases for the admissibility of Mr. Sorrell's anticipated testimony.

of October, if not later.

²The government has been working with officials from ICE and the Department of Justice in order to enable Mr. Sorrell to return to the United States to testify at trial.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By:

/s/Donald L. Cabell
DONALD L. CABELL
Assistant U.S. Attorney